IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

WP(C).No. 23726 of 2006(Y)

PETITIONER:

VIJAYAN, AGED 31 YEARS,
S/O. CHALAN KUTTY, RESIDING AT ANJUKANDAM HOUSE,
KACHERIPADY, VENGARA, VALIYORA POST,
THIRURANGADY TALUK, MALAPPURAM.

BY ADV. SRI.T.RAJASEKHARAN NAIR

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF FOOD &
CIVIL SUPPLIES, SECRETARIAT,THIRUVANANTHAPURAM.

2. THE DISTRICT SUPPLY OFFICER, MALAPPURAM.

3. THE TALUK SUPPLY OFFICER,
TALUK SUPPLY OFFICE, THIRURANGADI.

4. THE RATIONING INSPECTOR,
TALUK SUPPLY OFFICE, VENGARA, THIRURANGADI.

BY ADV. SRI.T.S.RADHAKRISHNA PILLAI
SRI.T.R.RAJEEV
GOVERNMENT PLEADER SRI.P.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1 RELEVANT PAGES OF THE LICENCE ISSUED BY R2.

P2 DEATH CERTIFICATE ISSUED BY THE CORPORATION OF CALICUT.

P3 RATION CARD ISSUED BY R3.

P4 DETAILS OF REPORT OF STOCKS AND REGISTERS PREPARED BY R4.

P5 REPRESENTATION SUBMITTED BY THE MOTHER OF PETITIONER.

P6 ADVERTISEMENT PUBLISHED BY R2.

P7 DEATH CERTIFICATE OF THE PETITIONER'S MOTHER.

RESPONDENTS'S EXTS:

R1(A) DECLARATION FURNISHED BY PETITIONER DT 18.12.05.

TRUE COPY

P.A. TO JUDGE

C.N. RAMACHANDRAN NAIR, J.

W.P. (C) No. 23726 OF 2006 Y

Dated this the 29th day of November, 2006

J U D G M E N T

Writ petition is filed by brother of a deceased retail dealer of ration articles claiming right to get the dealership after death of his brother. Government Pleader submitted that the licensee died in 2003 and petitioner came forward with claim only after three years. However, petitioner's case is that application was made in 2004 and it was not considered so far. In any case, since licence is not granted to any other dealer and only application is called for, I direct the 2nd respondent to consider the petitioner's case based on Rules. If petitioner is the legal heir entitled to the licence, then the 2nd respondent will verify the bona fides of the claim of the petitioner. If licence is granted the petitioner should be in a position to carry on business in accordance with the terms and conditions of the licence. The 2nd respondent shall conduct enquiry and report the matter to the District Collector and Collector will pass orders. If petitioner is found ineligible, respondents will be free to select any other candidate in terms of notification. The specific case of the additional 5th respondent that the petitioner is only a dummy for another person, who is now running the ration shop will be specifically enquired into and should be considered. The result of the enquiry should be taken into account while deciding the petitioner's claim.

The writ petition is disposed of as above.

(C.N. RAMACHANDRAN NAIR, JUDGE)

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